

**MARYLAND AGRICULTURAL LAND PRESERVATION FOUNDATION
OPEN MEETING MINUTES**

October 24, 2023

This meeting was held via internet and telephone conference call.

Trustees Participating:

William Allen, Chair
Cricket Goodall, Vice Chair
Michael Calkins, representing Secretary Kevin Atticks, Maryland Dept. of Agriculture
Ben Seigel, representing Comptroller Brooke E. Lierman
Joanna Kille, representing Treasurer Dereck E. Davis
Deborah Herr-Cornwell, representing Secretary Rebecca Flora, Maryland
Department of Planning
Gary Dell
Joseph Wood
J. Bruce Yerkes
Elizabeth Hill

Trustees Absent:

Catherine Cosgrove
Gilbert "Buddy" Bowling

Others Participating:

Chana Turner, MALPF Lead Administrator
Sarel Cousins, MALPF Administrator
Rama Dilip, MALPF Administrator
Amanda Massoni, MALPF Fiscal Specialist
Patrick Martyn, Assistant Attorney General, Department of General Services
Mike Steadman, Jr., Assistant Attorney General, Department of Agriculture
Cara Frye, Assistant Attorney General, Department of General Services
Megan Benjamin, Baltimore County Program Administrator
Donna Landis-Smith, Queen Anne's County Program Administrator
J.P. Smith, Jr., Carroll County Program Administrator
Joe Pippin, Queen Anne's County Staff
Roy Cool, Allegany County Program Administrator
William Goldman, Cecil County Program Administrator
Carla Gerber, Kent County Program Administrator
Summer Roen, Calvert County
Kim Pezza, Climate Resilience Director, Office of the Comptroller
C. Jane Cox, Anne Arundel County Program Administrator
Bill Amoss, Harford County Program Administrator
Jackie Brathuhn, Carroll County Program Administrator
Jennifer David, Calvert County Program Administrator
Beth Ahalt, Frederick County Program Administrator
Will Lefort, Department of General Services, Appraiser
Julie Enger, Department of General Services, Appraiser

Mr. Allen, Chair, called the meeting to order at 9:06 a.m. via internet and telephone conference call. Ms. Cousins stated the names of the participants on the conference call, for the record, and asked anyone that was not named to identify themselves.

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I. APPROVAL OF MINUTES

A. Approval of Open Minutes from September 26, 2023.

Motion #1: To approve minutes from September 26, 2023.

Motion: Yerkes Second: Herr-Cornwell
Status: Approved

II. ADDITION / DELETION OF AGENDA ITEMS

III. ANNOUNCEMENTS

Ms. Cousins asked all participants to keep themselves muted, and when unmuted, to clearly state their names before asking a question, or making a motion, etc. She reminded the Board members that when motions were made, Board members only needed to state their names if they were voting in opposition to the motion, rather than saying "aye" to vote in favor of a motion.

IV. EASEMENT AMENDMENTS

A. CARROLL COUNTY

1. 06-00-06e Brathuhn, Donald ~112.485 acres

Request – Carroll County:

Request approval of a right-of-way (ROW) agreement over the existing driveway.

Recommendation:

Staff recommends approval, with the condition that the final ROW agreement is approved by MALPF and OAG staff prior to execution and recording.

Ms. Dilip introduced the item. Mr. Smith was available to answer questions from the Board.

Motion #2: To approve a right-of-way agreement over the existing driveway, as presented.

Motion: Wood Second: Hill
Status: Approved

B. CECIL COUNTY

2. 07-99-07Ae England Family Farm ~62.16 acres

Request – Cecil County:

Request approval for relinquishment of William David England's preliminarily released child lot and merge the lot back into the easement property and ownership; and to reimburse the landowner the amount paid to have the lot released from the easement.

Recommendation:

Staff recommends approval pursuant and subject to compliance with all applicable provisions of Md. Code, Agriculture Article, Section 2-505(5)(1). Any documents required pursuant to the provisions of such statute, or any other document/s required by the Office of the Attorney General, shall be reviewed and is subject to the approval of MALPF staff and the Office of the Attorney General.

Ms. Dilip introduced the item. Mr. Goldman was available to answer questions from the Board.

Motion #3: To approve a relinquishment of William David England's preliminarily released child lot and reimburse the landowner, incorporating staff recommendations, as presented.

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Motion: Yerkes Second: Herr-Cornwell
Status: Approved

C. FREDERICK COUNTY

3. 10-92-06 Estate of C. William Krantz and the Disclaimer Trust ~127 acres
Trust created under the Last Will and Testament of Geraldine G. Krantz

Request – Frederick County:

Request approval for a land exchange that will add ~.2009 of an acre of land from an adjacent subdivided child's lot to the easement property in exchange of ~.2009 of an acre of land from the easement to facilitate resolution of an encroachment onto the easement property.

Recommendation:

Staff recommends approval subject to:

1. Satisfaction of all applicable requirements/conditions set forth in COMAR 15.15.1.03.A and COMAR 15.15.11.03.C, which require, among other things, a determination that the value of the easement will not be diminished as a result of the land exchange, as further explained below;
2. The landowner signing a letter acknowledging the conditions of approval as provided herein, and of any others conditions of approval as determined by the Foundation's Board;
3. Approval by the Board of Public Works; and
4. The landowner entering into a corrective easement to memorialize the land exchange by recording same in the Frederick County land records.

Ms. Turner introduced the item. Ms. Ahalt was available to answer questions from the Board.

Motion #4: To approve a land exchange of ~0.2009 acres, incorporating staff recommendations, as presented.

Motion: Herr-Cornwell Second: Wood
Status: Approved

4. 10-22-02 Bauer, James and Fleming, Ashlee ~182 acres

Request – Frederick County:

Request approval to relocate a pre-existing dwelling.

Recommendation:

Staff recommends approval conditioned upon:

1. Recording of an amendment to the deed of easement in the Frederick County land records that will:
 - a) Document the new location of the dwelling;
 - b) Affirm that the dwelling will be non-subdividable from the farm;
 - c) Describe the terms and conditions of the Foundation's approval for relocation of the dwelling pursuant to COMAR 15.15.04.05; and
2. Signing and returning within 30 days of its issuance, a letter acknowledging and agreeing to the terms and conditions of the approval of the request.

Ms. Turner introduced the item. Ms. Ahalt was available to answer questions from the Board.

Motion #5: To approve a relocation of a pre-existing dwelling, incorporating staff recommendations, as presented.

Motion: Wood Second: Dell
Status: Approved

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V. NEW AGRICULTURAL PRESERVATION EASEMENT PETITIONS:

A. CARROLL COUNTY

1. 06-24-05 Fisher, Levi, Mattie and Jacob ~81.393 acres
(includes unpaid acres)
Request to approve the application designating a 1.0 acre floating envelope for a future dwelling. Location of envelope will require Foundation approval at the time of the request.

2. 06-24-14 Sheeley, William & Kurt ~27.974 acres
(excludes withheld acres)
Request to approve the application withholding ~2.33 acres for a non-ag related business in a barn. The ~2.33 acres will require a Declaration of Restrictions that documents one development right with the acreage.

Motion #6: To approve the Carroll County requests, as presented.

Motion: Wood Second: Herr-Cornwell
Status: Approved

B. CECIL COUNTY

1. 07-24-08 Estate of Joan C. McKeown ~108.032 acres
(excludes withheld acres)
Request to approve the application withholding ~0.29 acres across a public road. MALPF staff requested the small acreage to be excluded from the application, therefore a Declaration of Restrictions will not be required.

Motion #7: To approve the Cecil County request, as presented.

Motion: Herr-Cornwell Second: Kille
Status: Approved

C. HARFORD COUNTY

1. 12-24-01 Bandy, Kevin & Michelle ~53.133 acres
(includes unpaid acres)
Request to approve the application designating ~1.0 acre as an unpaid non-subdividable building envelope from the easement with 1 development right associated for a future dwelling as located on the map.

2. 12-24-04 Dougherty, Lawrence & Sharon ~208.159 acres
(includes unpaid acres)
Request to approve the application designating ~1.0 acre as an unpaid non-subdividable building envelope from the easement with 1 development right associated for a future dwelling as located on the map.

3. 12-24-06 Varvaris, J., Reeves, L., Matta, V. & Fonner Y. ~55.384 acres
(includes unpaid acres)
Request to approve the application designating ~1.0 acre as an unpaid non-subdividable building envelope from the easement with 1 development right associated for a future dwelling as located on the map.

4. 12-24-07 Glackin, Dorothy ~78 acres
(includes unpaid acres)
Request to approve the application designating ~1.0 acre as an unpaid non-subdividable building envelope from the easement with 1 development right associated for a future dwelling as located on the map.

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5. 12-24-08 Glackin, Dorothy ~125.717 acres
(includes unpaid acres)
Request to approve the application designating ~1.0 acre as an unpaid non-subdividable building envelope from the easement with 1 development right associated for a future dwelling as located on the map.

6. 12-24-12 The Estate of Samuel B. Foard, Jr., & Richardson, Frank & Connie ~139.576 acres
(excludes withheld acres; includes unpaid acres)
Request to approve the application withholding ~5.003 acres for an existing dwelling (a Declaration of Restriction will document one development right). An additional ~7.198 acres are being requested as an unpaid forest conservation easement that will not be included in the payment calculation for the MALPF easement. MALPF Staff working to confirm Estate's distribution of ownership. Application will only proceed if proof of common ownership is received.

7. 12-24-14 Wineset, Bryan & Grimmol, Jean ~94.13 acres
(includes unpaid acres)
Request to approve the application designating ~1.0 acre as unpaid for a cellular communications tower that will not be included in the payment calculation for the MALPF easement.

Motion #8: To approve the Harford County requests, as presented.

Motion: Wood Second: Goodall
Status: Approved

D. KENT COUNTY

1. 14-24-17 Rich Levels at Mill Creek, LLC (C.O. Davis & R. A. Davis) ~228.6 acres
(includes unpaid acres)
Request to approve the application designating ~7.0 acres as a permitted uses envelope for future business use.

2. 14-24-18 Wiltbank, T.A., R.L., J.D., & S.L. ~297 acres
(excludes withheld acres)
Request to approve the application withholding ~3.0 acres for a buffer around an existing gun club. The ~3 acres will require a Declaration of Restrictions that documents zero development rights with the acreage.

Motion #9: To approve the Kent County requests, as presented.

Motion: Goodall Second: Dell
Status: Approved

V. PROGRAM POLICY

VI. INFORMATION AND DISCUSSION

A. FY 2024 Quarterly Inspection Report

Ms. Cousins provided the Board with the quarterly inspection report.

VIII. CLOSED SESSION

Mr. Allen asked for a motion for adjournment of the meeting to move into a closed session, pursuant to the applicable provisions of General Provisions Article Section 3-305 (b): (7) to consult with counsel to obtain legal advice; and (8) to consult with staff, consultants, or other individuals about pending or potential litigation.

Motion #10: To adjourn the regular session at 9:37 a.m. to move into a closed session to consult with counsel to obtain legal advice; and to consult with staff, consultants, or other individuals about pending or potential litigation.

